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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|-----------------------|------------------|
| 10/660,480              | 09/12/2003  | Paul J. Lemens       | 081069-0305923        | 6337             |
| 909                     | 7590        | 03/04/2004           | EXAMINER              |                  |
| PILLSBURY WINTHROP, LLP |             |                      | JIMENEZ, MARC QUEMUEL |                  |
| P.O. BOX 10500          |             |                      | ART UNIT              | PAPER NUMBER     |
| MCLEAN, VA 22102        |             |                      | 3726                  |                  |

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/660,480

Applicant(s)

LEMENS ET AL.

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09122003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 9/12/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy of the foreign patents were submitted (the examiner was able to retrieve the U.S. patents). Note that the parent case 09/987,484 which may have had the foreign references was not readily available during examination of the instant application.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites "said breaking said frangible connection and said inserting an expansion member are accomplished simultaneously by applying an axially directed force to said expansion member" is unclear because it appears that the expansion member **202** is inserted into the core

Art Unit: 3726

206 first and then the frangible connection is broken after inserting the expansion member as shown in applicant's figures.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 4-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (6,270,612) in view of either one of Shibata et al. (6,381,429) or Wagner et al. (5,579,093).

Bradshaw teaches a method of attaching a pair of end caps (fig. 5) to a core **200** of a feed roll for mounting to the frame **150** of a master processing apparatus **10** in which a master processing operation is performed, the method comprising: providing a tubular core **200** with a supply of stock material **165** wound about the core **200**, providing a pair of end caps (fig. 5) each having a tubular core securing portion **215** and a mounting portion **260** connected to the core securing portion **215**, the core securing portions **215** normally being in a relaxed unexpanded condition to enable insertion of the securing portions **215** into opposing ends of the core **200**, the mounting portions **260** being configured to enable the feed rolls to be mounted on the frame **150** in an operative position, and inserting the core securing portions **215** into the opposing ends of the core **200**, thereby securing each end cap (fig. 5) to the core **200**.

Bradshaw teaches the invention cited with the exception of providing a pair of expansion members each being constructed and arranged to be inserted into the core securing portions of a respective end cap and inserting the expansion member into each core securing portion, each expansion member being configured such that the expansion member radially expands the core securing portion upon insertion therein into a force fit relation with the interior surface of the core.

Shibata et al. teach providing a pair of expansion members **18,22** each being constructed and arranged to be inserted into the core securing portions **16D,20D** of a respective end cap **16,20** and inserting the expansion member **18,22** into each core securing portion **16D,20D**, each expansion member **18,22** being configured such that the expansion member **18,22** radially expands the core securing portion **16D,20D** upon insertion therein into a force fit relation with the interior surface of the core **10**.

Wagner et al. also teach providing a pair of expansion members **284** each being constructed and arranged to be inserted into the core securing portions **286** of a respective end cap **282** and inserting the expansion member **284** into each core securing portion **286**, each expansion member **284** being configured such that the expansion member **284** radially expands the core securing portion **286** upon insertion therein into a force fit relation with the interior surface of the core **270**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Bradshaw with providing a pair of expansion members each being constructed and arranged to be inserted into the core securing portions of a respective end cap and inserting the expansion member into each core securing portion, each expansion member

being configured such that the expansion member radially expands the core securing portion upon insertion therein into a force fit relation with the interior surface of the core, in light of the teachings of either one of Shibata et al. or Wagner et al., in order to provide easily removable and securely fastened end caps.

Regarding claim 4, Bradshaw does not specify what material that the core **200** is made out of. However, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have used a paper or cardboard material for the core in order to provide a light weight core. Note that Shibata et al. teach that each tubular core securing portion is generally in the form of a cylindrical tube having a split free end with a plurality of tabs **20D** having a gripping structure on the exterior, and radially expanding the core securing portion such that the tabs **20D** flex outwardly. Wagner et al. also teach that each tubular core securing portion is generally in the form of a cylindrical tube having a split free end with a plurality of tabs **286** having a gripping structure on the exterior, and radially expanding the core securing portion such that the tabs **286** flex outwardly.

Regarding claim 6, the end cap is constructed of molded plastic (see for example, col. 6, lines 1-16 of Shibata et al.).

6. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw in view of either one of Shibata et al. or Wagner et al. as applied to claim 1 above, and further in view of Williams (4,194,273).

Bradshaw/Shibata et al. or Bradshaw/Wagner et al. teach the invention cited with the

Art Unit: 3726

exception of the expansion member being integrally connected to a respective end cap by a frangible connection so that each end cap and associated expansion member is provided as a single molded plastic component, breaking the frangible connection between each expansion member and associated end cap to separate each prior to inserting the expansion member into the core securing portion.

Williams teaches that it is known to provide integrally connected components **35,10** with a frangible connection **62**, breaking the frangible connection **62** between the components and attaching the components together.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Bradshaw/Shibata et al. or Bradshaw/Wagner et al. with the expansion member being integrally connected to a respective end cap by a frangible connection so that each end cap and associated expansion member is provided as a single molded plastic component, breaking the frangible connection between each expansion member and associated end cap to separate each prior to inserting the expansion member into the core securing portion, in light of the teachings of Williams, in order to keep the components together for shipping and in order to prevent loss of the different components prior to assembly.

Regarding claim 3, the arrangement of parts in Williams (fig. 14) is considered in axial alignment. The inserting of the expansion member and breaking the frangible connection is considered to be done simultaneously when one breaks the frangible connection in the vicinity of the core. The claims are not specific as to what "simultaneously" encompasses regarding the specific location of each element.

***Contact Information***

7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

|                               |                                  |
|-------------------------------|----------------------------------|
| Allowed Files & Publication   | (703) 308-6789 or (888) 786-0101 |
| Assignment Branch             | (703) 308-9723                   |
| Certificates of Correction    | (703) 305-8309                   |
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Application/Control Number: 10/660,480

Page 8

Art Unit: 3726

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**MJ**

March 3, 2004